

I am a homeowner and I am governed by private covenants, conditions and restrictions (CC&R's) that prohibit me from fully practicing amateur radio communications, and I cannot practice or engage in emergency operations on a regular basis.

My CC&R's state

6. ...no antennas... be visible from the street that the residence fronts upon. ...Operation of 'ham' radio transmitters ... which interfere with television or radio reception will not be permitted.

and

18 A. Any Owner of a Lot... shall have the right to enforce, by any proceeding at law or in equity, all CCR's...

The CC&R's have intimidated me from investing in a permanent exterior antenna. I am also inhibited from regular use of an interior attic antenna.

In my neighborhood the HOA is inactive and no dues are being collected. However, if I put up a permanent antenna or cause any interference, any *one* neighbor can sue me to enforce the CC&R's per section 18A.

As a result I only operate during a handful of weekend contests by putting up a temporary primitive wire antenna. I erect it on Friday evening and take it down the following Sunday evening, hoping that such irregular and infrequent operating habits don't irritate my neighbors to the point that they sue me to enforce the CC&R's. Regular operation, including participating in emergency nets, drills, etc. is out of the question.

Note that the "no interference" provision of the CC&R's effectively usurps the FCC's jurisdiction on interference matters. While FCC regulations provide that consumer Part 15 devices are to accept interference from licensed transmitters, the CC&R's reverse the situation and make me, the licensed operator, liable for interference.

I live in an unincorporated area of Sacramento County, California. County zoning regulations do not prohibit amateur radio antennas and permits can be obtained for a tower. If the FCC were to override and nullify CC&R's, I would be able to erect a permanent antenna and operate fully, including participation in emergency operations, if need be.

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